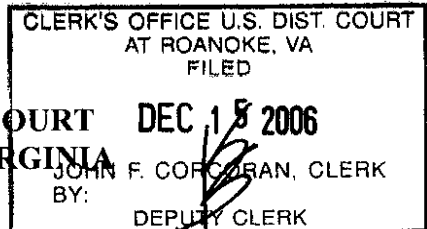


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



ANGELO D. PENQUE,  
Petitioner,

v.

DIRECTOR OF THE  
VIRGINIA DEPARTMENT  
OF CORRECTIONS,  
Respondent.

Civil Action No. 7:06-cv-00417

**FINAL ORDER**

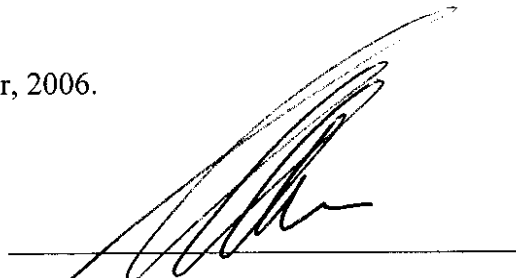
By: Samuel G. Wilson  
United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the respondent's motion to dismiss is **GRANTED** and Penque's petition is **DISMISSED** without prejudice. This action is **STRICKEN** from the active docket of the court.

Penque is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of the Court is directed to send certified copies of this Order and the accompanying Memorandum Opinion to the petitioner.

ENTER: This 15<sup>th</sup> day of December, 2006.

  
UNITED STATES DISTRICT JUDGE